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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65805

Kouji HIRAYAMA et al.

Appln. No.: 09/933,000

Group Art Unit: 1743

Confirmation No.: 6965

Examiner: Lyle Alexander

Filed: August 21, 2001

For: TEST APPARATUS FOR ASSAYING A COMPONENT IN A LIQUID SAMPLE

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$110.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

Keiko K. Takagi
Registration No. 47,121

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 11, 2003



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Inventor(s) of

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HIRAYAMA, Kouji, et al.

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TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the petitioner, KYOTO DAIICHI KAGAKU CO., LTD., represents that the petitioner, KYOTO DAIICHI KAGAKU CO., LTD. is the owner of the entire right, title and interest of U.S. Application No. 08/726,170, filed on October 4, 1996 for TEST APPARATUS FOR ASSAYING A COMPONENT IN A LIQUID SAMPLE by virtue of an Assignment from all of the inventors thereof executed on October 1, 1996, recorded on October 4, 1996 at Reel 8263, Frame 0020, now issued as U.S. Patent 6,299,838 as well as the entire right, title and interest in the above-captioned U.S. Application No. 09/933,000 by virtue of an Assignment from all of the inventors thereof executed on October 1, 1996, recorded on October 4, 1996, at Reel 8263, Frame 0020.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 09/933,000 which would extend beyond the

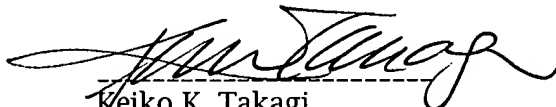
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expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,299,838, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 09/933,000 shall be enforceable only for and during such period that the legal title to U.S. Patent 6,299,838 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 09/933,000, this agreement to run with any patent granted on the above-captioned U.S. Application No. 09/933,000 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 09/933,000 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,299,838 in the event that U.S. Patent 6,299,838 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned whose signature and title appear below is empowered to act on behalf of petitioner.

Respectfully submitted,


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